

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DIANA THEODORE,
Plaintiff,

v.

AMERICAN EXPRESS NATIONAL
BANK,
Defendant.

Case No. [23-cv-03710-AMO](#)

ORDER ON MOTION FOR RELIEF

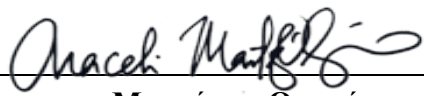
Re: Dkt. No. 48

On August 27, 2024, the Court issued an order denying American Express National Bank's ("AmEx's") motion to modify the Court's order of April 4, 2024 but granting its alternative request for an indicative ruling. ECF 55. In the order, the Court indicated that if the Ninth Circuit remanded the matter for consideration of whether AmEx satisfied the requirements to modify the Court's April 4 order under Federal Rule of Civil Procedure 60(b)(6), the Court would grant the motion. ECF 55 at 3-5.

On August 29, 2024, the Ninth Circuit remanded the case "for the limited purpose of allowing the district court to rule on the motion under Federal Rule of Civil Procedure 60 pending before it." ECF 57. In light of the Ninth Circuit's remand order, the Court hereby **GRANTS** AmEx's motion for Rule 60 relief for the reasons stated in the Court's order of August 27. The Court will issue a separate order amending its order of April 4.

IT IS SO ORDERED.

Dated: September 10, 2024


ARACELI MARTÍNEZ-OLGUÍN
United States District Judge